

UNITED STATES OF AMERICA ) Magistrate's Case No. '08 MJ 1169  
VS. )  
 ) COMPLAINT FOR VIOLATION OF  
Rolando Ernesto SAMPER- ) 21 U.S.C. 952, 960  
Torres ) Importation of a Controlled  
 ) Substance.  
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The undersigned complainant being duly sworn states:

COUNT ONE

That on or about April 15, 2008, within the Southern District of California, defendant Rolando Ernesto SAMPER-Torres did knowingly and intentionally import approximately 20.35 KGS kilograms of methamphetamines, a Schedule 2 Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
John Mizusawa, Special  
Agent U.S. Immigration and  
Customs Enforcement (ICE)

Sworn to before me and subscribed in my presence, this 16<sup>th</sup> day of April 2008.

  
United States Magistrate Judge

## PROBABLE CAUSE STATEMENT

I declare under penalty of perjury the following statement is true and correct.

On April 15, 2008 at approximately 9:25 AM., Mr. Rolando Ernesto SAMPER-Torres, a Mexican Citizen, entered the United States from the Republic of Mexico at the San Ysidro Port of Entry, San Ysidro California, in a 2002 Ford Explorer bearing Baja Mexico plates BEM3184. During pre primary roving operations at lane 7, U.S. Customs and Border Protection (CBP) Officer E. Ongsioco came in contact with the vehicle and the driver. CBP Officer Ongsioco identified the driver as Rolando Ernesto SAMPER-Torres utilizing the driver's valid DSP-150 card. CBP Officer Ongsioco determined via the DSP-150 card that SAMPER was a Mexican national with border crosser status. CBP Officer Ongsioco asked what the purpose of SAMPER's trip to the United States was, and SAMPER replied that he was travelling to Imperial-Beach to surf. CBP Officer Ongsioco then asked SAMPER if SAMPER was the registered owner of the vehicle, and SAMPER replied that he had purchased the vehicle approximately two weeks ago and presented a valid Baja registration card for the vehicle that listed his name as the registered owner. Thereafter, CBP Officer Ongsioco asked SAMPER his occupation and SAMPER replied that he was a full time student in Mexico. CBP Officer Ongsioco asked SAMPER what University he was enrolled in and SAMPER presented a University school ID (Centro De Estudios Universitarios Xochicalco) with his photo on the document. The school ID indicated that he is currently enrolled at this University in Tijuana, Mexico.

At this point, CBP Officer Ongsioco observed SAMPER displaying signs of nervousness. SAMPER's face was flushed and his hands were shaking. CBP Officer Ongsioco then conducted a field inspection of the vehicle and observed a non-factory compartment built behind the passenger side fender. CBP Officer Ongsioco discovered a second non-factory compartment located on the driver side. CBP Officer Ongsioco raised the hood and observed all the bolts holding the fenders were deliberately smudged with dirt. CBP Officer Ongsioco then requested Canine CBPO Fernandez to screen the vehicle with his human/narcotics detector dog, "Jerry." According to Canine CBPO Fernandez, his canine "Jerry" alerted and responded to the passenger side door by sitting. CBP Officer Ongsioco escorted the vehicle to secondary lot and the vehicle was inspected utilizing the Z-Backscatter-Van. The Z-Backscatter-van displayed anomalies in both non-factory compartments behind the front fenders. CBP Officer Ongsioco escorted SAMPER to the CBP Security Office for an immediate patdown that proved negative.

At the secondary inspection area, CBP Officer V. Valenteros conducted an inspection of the vehicle and removed the right front fender of the vehicle. CBP Officer Valenteros observed a non-factory compartment with an access door. CBP Officer Valenteros removed the access door and saw packages wrapped in cellophane and black tape. CBP Officer Valenteros probed a random package revealing white crystal granules which field-tested positive for methamphetamine. Valenteros removed 15 packages from

the right front fender, 6 packages from the passenger side firewall and 19 packages from the left front driver side fender. A total of 40 packages with a net weight of 20.35 kilograms were removed from the vehicle.

SAMPER was arrested and charged with violation of Title 21 United States Code, Sections 952 and 960. SAMPER, who is a Mexican citizen, was booked into the Metropolitan Correctional Center in San Diego, California. The methamphetamines and vehicle were seized by the U.S. Customs and Border Protection.

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United States Magistrate Judge

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Date/Time